

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1157

IN THE MATTER OF:

Served July 26, 1971

Application of Blue Lines, Inc.) Application No. 694
for 180-Day Temporary Authority)
to Operate Regular Route Service)
Between Montgomery Village,)
Maryland and Washington, D. C.)
and Between Washington, D. C.)
and Poolesville, Maryland.)

Application of Blue Lines, Inc.) Application No. 702
for Authority to Provide Regular)
Route Bus Service Between Mont-)
gomery Village, Maryland and)
Washington, D. C. and Between)
Washington, D. C. and Pooles-)
ville, Maryland.)

Application of D. C. Transit) Application No. 704
System, Inc., to Amend Certificate)
of Public Convenience and Neces-)
sity No. 5 to Authorize the)
Extension of Routes Q-7 and Y-7.) Docket No. 231

By Order No. 1154, issued July 19, 1971, we granted Blue Lines, Inc. one hundred eighty (180) day temporary authority to operate regular route bus service between Montgomery Village, Maryland and Washington, D. C. On July 23, 1971, D. C. Transit System, Inc. (Transit) filed a petition for reconsideration of that order. We herein deny that petition.

Transit protested Blue Lines' application for temporary authority on the ground, among others, that its Congressional franchise to render service within the District of Columbia and Montgomery County, Maryland (Public Law 84-757, 70 Stat. 598) "prohibits a competitive operation of the nature proposed in the absence of a finding that such competition is necessary

for the convenience of the public." Order No. 1154 rejected Transit's argument. In its application for reconsideration, Transit asserts that our rejection of its position regarding the franchise was error.


We found in Order No. 1154 that D. C. Transit's present operation to Gaithersburg could not be considered service competitive with the route proposed by Blue Lines to Montgomery Village. Moreover, Order No. 1154 granted Blue Lines temporary authority only, on the basis of a finding that an urgent and immediate need for service to Montgomery Village exists. Blue Lines stood ready to render that service, indeed had expended considerable effort in determining the need for the service preliminary to filing its application. We do not consider that D. C. Transit's franchise precludes us from granting temporary authority to another carrier in these circumstances.

The question of which, if any, carrier should be certificated on a permanent basis to serve Montgomery Village is left open by Order No. 1154. We were careful to point out in Order No. 1154 that our grant of temporary authority was in no sense a prejudgment of the question of who should receive permanent certification. A hearing has been scheduled for the purpose of making a full record on the question of permanent certification. At that time, we will examine all aspects of the question of what is required by the public convenience and necessity.

One other matter requires our attention. Order No. 1154 states that Blue Lines' application does not involve pickup or discharge of passengers within the city limits of Gaithersburg, Maryland. This is not correct. However, the fact that the Blue Lines service involves pickup and discharge within the city limits of Gaithersburg does not alter our conclusion that Blue Lines should operate the proposed service on a temporary basis. As we pointed out in Order No. 1154, the existence of an intercity operation such as Greyhound operates through Gaithersburg, with a stop in downtown Gaithersburg at times which will not attract commuter customers, cannot stand as a bar to our authorization of local commuter service, tailored to the needs of the local community to be served.

THEREFORE, IT IS ORDERED that the application for reconsideration of Order No. 1154 filed by D. C. Transit System, Inc. on July 23, 1971, be, and it is hereby, denied.

BY DIRECTION OF THE COMMISSION:


DOUGLAS N. SCHNEIDER, JR.
Executive Director